

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 19714 of 2007
With
SPECIAL CIVIL APPLICATION No. 20725 of 2007
With
SPECIAL CIVIL APPLICATION No. 19375 of 2007
With
SPECIAL CIVIL APPLICATION No. 19710 of 2007

For Approval and Signature:**HONOURABLE MR.JUSTICE RAVI R.TRIPATHI**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ANANDBHAI KANABHAI
Versus
STATE OF GUJARAT AND OTHERS

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Appearance :

MR AB JOSHI for the Petitioners

MR SATYAM CHHAYA, ASSISTANT GOVERNMENT PLEADER for the Respondents

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI**Date : 22/08/2007****ORAL JUDGMENT**

1. **RULE.** Mr.Satyam Chhaya, learned Assistant Government Pleader waives service of Rule on behalf of the respondents.

With the consent of the learned advocates, the matter is taken up for final disposal today.

2. On 08.08.2007, while issuing notice, this Court asked the learned Assistant Government Pleader to take instructions and place before the Court the relevant material to show that instructions given in Government Circular dated 29.01.1981 (Annexure-'D') page 22 to the petition were complied with or not.

(the above facts are referred to from SCA No.19714/2007).

3. Mr.Satyam Chhaya, learned Assistant Government Pleader makes available a copy of letter dated 21.08.2007 addressed by the Mamlatdar, Junagadh to the Government Pleader's Office. It is stated in the letter that from the record, it is not borne out that the contents of Government circular dated 29.01.1981 were complied with and the petitioners were intimated about their rights flowing from the said circular.

4. In view of that, all these petitions are allowed. Orders impugned in these petitions passed by authorities dated 18.04.2006 and 31.03.2005 (in SCA No.20725/2007 orders dated 26.04.2005 and 05.03.2007) are quashed and set aside. The matters are remitted back to the Collector, Junagadh for passing appropriate order in accordance with law, after keeping in mind the contents of circular dated 29.01.1981 and also facts of the case.

At the request of Mr.Joshi, learned advocate for the petitioners, it is recorded, which shall be taken into consideration by the Collector at the time of passing order, that, 'all the petitioners are ready and willing to pay the outstanding dues with nominal interest and the occupancy charges from time to time.

At the request of Mr.Satyam Chhaya, learned Assistant Government Pleader, it is clarified that allowing of these petitions and quashing of the aforesaid orders shall not influence the Collector from passing the orders in accordance with law, in light of the facts of the case and the observations made hereinabove.

5. Rule is made absolute. No costs. Direct service is permitted.

(RAVI R.TRIPATHI, J.)

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